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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,339	07/03/2001	Paul T. Brescia	7000-078	2482

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EXAMINER

NGUYEN, HUNG T

ART UNIT PAPER NUMBER

2632

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/898,339

Applicant(s)
Paul Brescia

Examiner
HUNG NGUYEN

Art Unit
2632



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 3, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2-5 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 4-7, 17, 20 & 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Amin et al. (U.S. 6,353,398).

Regarding claims 1, 17 & 23, Amin discloses a method / a system for notification [figs.1-3, col.1, lines 6-11 and col.2, lines 53-66] comprising:

- determining an event occurrence [figs.1-4, col.1, line 63 to col.2, line 20];

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- determining location indicia / hospitals , dealers (70), stores / restaurants (60) [figs.1-4, col.1, line 63 to col.2, line 20];
- sending information to a select communication device (50) when the event occurrence and the location indicia correlate with an event criteria and location criteria define in a profile [figs.1-4, col.1, lines 45-50 and col.2, line 53 to col.3, line 47].

Regarding claims 4-5, Amin discloses the information is sent to the selected communication device is a notification pertaining to the event occurrence and the location indicia [col.2, lines 5-20 and col.3, lines 7-47].

Regarding claim 6, the communication devices for requesting and receiving informations by a user is a remote service [col.2, lines 5-20 and col.3, lines 7-47].

Regarding claim 7, Amin discloses the location indicia / hospitals , dealers (70), stores / restaurants (60) is actual location or area and proximity of to a location [figs.1-4, col.1, line 63 to col.2, line 20].

Regarding claim 20, Amin discloses a computer readable medium comprising software configured to instruct a computer (10c) to [fig.5, col.4, line 51 to col.6, line 10 and col.8, lines 20-49]:

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- determining an event occurrence [figs.1-5, col.1, line 63 to col.2, line 20 and col.4, line 51 to col.6, line 10];
- determining location indicia / hospitals , dealers (70), stores / restaurants (60) [figs.1-5, col.1, line 63 to col.2, line 20 and col.4, line 51 to col.6, line 10];
- sending information to a select communication device (50) when the event occurrence and the location indicia correlate with an event criteria and location criteria define in a profile [figs.1-5, col.1, lines 45-50 , col.2, line 53 to col.3, line 47 and col.4, line 51 to col.6, line 10].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 11-16, 18-19 & 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al. (U.S. 6,353,398).

Regarding claims 2-3 & 18-19, Amin does not specifically disclose the determining an event occurrence and location indicia steps as claimed by the applicant.

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However, Amin clearly teaches the system for delivering information such as a notification or other content . The system for directing and receiving information to and from geographically relevant locations. The system links information from Internet or other databases when both the event occurrence and location indicia / hospitals , dealers (70), stores / restaurants (60) is actual location or area and proximity of to a location , the information is requested can be sent to the appropriate communication device such as a computer / hand-held mobile , webpage, e-mail system is selected by the user [figs.1-4, col.1, line 63 to col.2, line 20 and col.3, lines 7-47]. Therefore, it would have been obvious to one having ordinary skill in the art to employ the system of Amin to provide for directing information to users who met certain criteria .

Regarding claims 11-12, Amin discloses the information is sent to the selected communication device is a mobile phone or computer or electronic device to the mobile user (50) [fig.2, col.3, lines 7-47].

Regarding claims 13-15, Amin discloses the user requesting the location information through a computer / hand-held mobile , webpage, e-mail system as desired [fig.2, col.1, line 45 to col.2, line 20 and col.3, lines 7-47] .

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Regarding claim 16, the request informations are stored in a database or Internet is sent the computer / hand-held mobile , webpage, e-mail system is selected by the user [fig.2, col.1, line 45 to col.2, line 20 and col.3, lines 7-47] .

Regarding claims 21-22, Amin does not specifically disclose the determining an event occurrence and location indicia steps as claimed by the applicant.

However, Amin clearly teaches the system for delivering information such as a notification or other content . The system for directing and receiving information to and from geographically relevant locations. The system links information from Internet or other databases when both the event occurrence and location indicia / hospitals , dealers (70), stores / restaurants (60) is actual location or area and proximity of to a location , the information is requested can be sent to the appropriate communication device such as a computer / hand-held mobile , webpage, e-mail system is selected by the user [figs.1-4, col.1, line 63 to col.2, line 20 and col.3, lines 7-47]. Therefore, it would have been obvious to one having ordinary skill in the art to employ the system of Amin to provide for directing information to users who met certain criteria .

5. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al. (U.S. 6,353,398) in view of Asaoka et al. (U.S. 6,349,203).

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Regarding claim 8, Amin fails to mention the event occurrence is a weather event and the location indicia relates to a location of a person potentially affected by the weather event .

To understand the weather condition in a place to stop by or visit is forecasted a thunderstorm or heavy snow is on the way in that area is very important subject to a visitor / traveler for preparing or making a decision to go over there or not .

Asaoka teaches a technique of informing a weather condition at least 7 days forecast to a person who want to get that weather information from a portable terminal device (30) [figs.4-5, col.6, lines 6-15 and lines 54-61]. Therefore, it would have been obvious to one having ordinary skill in the art to utilize the teaching of Asaoka in the system of Amin for notifying weather updates to a visitor / traveler for preparing or making a decision to go over there or not .

Regarding claims 9-10, Asaoka teaches a technique of informing a weather condition at least 7 days forecast to a person who want to get that weather information from a portable terminal device (30) should be included time or period of time of the severe weather [figs.4-5, col.6, lines 6-15 and lines 54-61].

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Bouve (U.S. 5,648,768) System and method for identifying tabulating and presenting information of interest along a travel route .
- Rosen et al. (U.S. 6,014,090) Method and apparatus for delivering local information to travelers.
- Hollenberg (U.S. 6,091,956) Situation information system.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (703) 308-6796. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Daniel Wu can be reached on (703) 308-6730. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Examiner: Hung T. Nguyen

Date: March 14, 2003


DANIEL J. WU
PRIMARY EXAMINER
3/23/03